




MEMORANDUM

DATE: May 14, 2008
For May 29, 2008 Hearing

TO: Peter M. Gavin
Zoning Examiner

FROM: 
Albert Elias, AICP
Urban Planning & Design
Director

SUBJECT: REZONING – URBAN PLANNING AND DESIGN REPORT
C9-08-05 Mesquite Valley Growers – Speedway Boulevard, C-1 and RX-2 to C-2
(Ward 2)

Issue – This is a request by Michael Marks, on behalf of the property owner, Thomas Birt, to rezone approximately 9.5 acres from C-1 and RX-2 to C-2 zoning, on property abutting and within the existing Mesquite Valley Growers Nursery, to allow the expansion and renovation of the nursery. The rezoning site is located on the northwest corner of Speedway and Maguire Avenue, about 190 feet east of Pantano Road (see Case Location Map). The preliminary development plan proposes an indoor/outdoor public area, the garden center retail gift shop, plant sales operations, a café with outdoor dining and courtyard, a warehouse, an office, and associated parking.

Department of Urban Planning and Design Recommendation – The Department of Urban Planning and Design recommends approval of C-2 zoning, subject to the attached preliminary conditions.

Background Information

Existing Land Use: Mesquite Valley Growers Nursery, vacant office building and undeveloped.

Surrounding Zones and Land Uses:

North: Zoned RX-1 and RX-2; Mesquite Valley Growers Nursery greenhouses and cultivation areas (non-public area of nursery) and single family residences.

South: Zoned C-1; Condominiums and shopping center.

East: Zoned R-1; An assisted living facility and single family residences, across Maguire Avenue.

West: Zoned C-1; Bank, dental office and car wash and auto repair business, and single family residences.

Previous Cases on the Property: none

Related Cases:

C9-00-39 Mar & Rothschild & Young – Broadway Boulevard, SR and R-2 to C-2 and C-1. This was a rezoning for 217,810 square feet of retail and restaurants including a single 160,00 square foot building on 24.95 acres northwest of the northwest corner of Broadway Boulevard and Pantano Road, on the east side of the Pantano Wash. The Mayor and Council adopted Ordinance Nos. 9733, 9734 and 9735 authorizing the rezoning on January 14, 2002. The conditions of rezoning were met with the recordation of a subdivision plat (Book 56 Page 84) on January 10, 2003.

C9-03-23 Lowe's – Kolb Road, C-1 to C-2. This was a request to rezone approximately 12.71 acres from C-1 to C-2 zoning to allow a home improvement and garden center, 163,358 square feet in size and 13,525 square feet of retail and restaurant uses. The site is located at the northeast corner of Speedway Boulevard and Kolb Road. On August 2, 2004, Mayor and Council adopted Ordinance No. 10017 and on June 22, 2005, building permit #T05CM01185 was issued, effectuating the zoning.

C9-07-05 Desert Toyota – 22nd Street R-2 and C-1 to C-2. This was a request to rezone approximately 2.64 acres from R-2 and C-1 to C-2 zoning to allow a sales office, 1,600 square feet in size, and 203 parking spaces to provide an area for staging, storage and automobile sales. On June 6, 2007, Mayor and Council authorized the requested rezoning and a development plan was submitted on February 27, 2008.

Applicant's Request – The applicant requests rezoning 9.5 acres from C-1 and RX-2 to C-2 zoning to allow the expansion and renovation of the Mesquite Valley Growers Nursery.

Planning Considerations

Land use policy direction for this area is provided by the *General Plan* and the *Pantano East Area Plan*. These Plans promote development that compliments adjacent land uses, and enhances the overall function and visual quality of the street, adjacent properties, and the community. The *Pantano East Area Plan* recommends future commercial development to restrict the number of access points, be integrated with adjacent commercial development, i.e. cross access agreements and shared parking, designed in harmony with adjacent residential uses, and located along an arterial street.

The *General Plan* and the *Pantano East Area Plan* policies encourage and support developments that respond to physical characteristics of the site and adjacent land use patterns, enhance the visual appeal of streets, and incorporate neighborhood recommendations into the site planning and design.

The *Pantano East Area Plan* allows rezoning to commercial uses, if a project meets the following criteria: the demonstrated need for commercial zoned land in the area; the site is

located on an arterial street; the proposed use is integrated with other adjacent commercial uses; and the adjacent uses are adequately buffered.

The surrounding land uses include additional areas of the Mesquite Valley Growers Nursery to the north, zoned RX-1 and RX-2. Also to the north, along the west side of the property, are single-family homes, zoned RX-1. East of the property, on the east side of Maguire Avenue, is an assisted living facility and single-family homes, all zoned R-1. A condominium complex and a shopping center in C-1 zoning are located to the south across Speedway Boulevard. A bank, a car wash, an auto repair business, and a dental office are located to the west, at the Pantano Road intersection, in C-1 zoning.

Vehicular access to the rezoning site is proposed from Speedway Boulevard and Maguire Avenue. Speedway Boulevard, which creates the south boundary of the site, is identified as an arterial roadway with a future right-of-way of 120 feet on the *Major Streets and Routes Plan (MSRP)* map. Maguire Avenue is not identified on the *MSRP* map. The Pima Association of Governments - Transportation Planning Division (PAG-TPD) estimates that the proposed development will generate 4,892 vehicle trips per day. Field inspection by staff indicates there are currently no billboards on the rezoning site.

Design Considerations

Land Use Compatibility – The applicant requests C-2 zoning to allow for the expansion of the existing Mesquite Growers Nursery and to eliminate the non-conforming status that exists. The C-1 zoning for the retail operations results in a legally non-conforming use status, which prevents the changes proposed without the rezoning. The applicant is proposing an expansion of the nursery from 6.74 to 9.64 acres that includes an indoor/outdoor public area, the garden center retail gift shop, plant sales operations, a café with outdoor dining and courtyard, a warehouse, an office, and associated parking. The expansion area is comprised of the four lots on the west side of the rezoning area. An office building, occupying the first lot immediately west of the nursery, is to be demolished and the other three lots are currently undeveloped.

The applicant proposes buildings designed with masonry, steel, glass and frame elements, with heights up to 30 feet. All rooftop mechanical equipment will be fully screened from view.

The site is to be designed to consolidate a variety of land use activities, to improve the traffic flow, pedestrian links, and streetscape quality. However, the preliminary development plan does not illustrate vehicular and pedestrian integration of this site with the existing commercial uses to the west. Staff recommends that the owner/developer provide a plan illustrating future cross-access to the commercial development to the west at the time of development plan submittal.

Two single family residences, separated from the nursery by an alley, are located immediately north of the proposed expansion area. Masonry walls, five feet in height, located along the property line and landscaping along the north boundary of the proposed parking lot, are proposed to buffer these residences. The PDP indicates that a loading area is to be located on the north end of the parking

lot, immediately north of the proposed warehouse. To further mitigate the existing residences from the traffic and loading activity, staff recommends a screen wall, six feet in height, along the north property line of the expansion area. In addition, walls greater than 75' in length will require design treatments to minimize the visual impact to surrounding development. Design treatments include, planting trees along the inside of the wall, 25 feet on center, and using two or more wall materials and/or incorporating decorative features. Staff recommends planting trees that have an adequate caliper and canopies that will reach fifty-percent of mature growth within two growing seasons.

The PDP shows a proposed sidewalk located around the entire south and west boundary of the public nursery area. Pathways through the display area will accommodate access from the sidewalk through the public nursery area. A sidewalk currently exists on Speedway Boulevard, adjacent to the site, and another is proposed for Maguire Avenue, with the planned roadway improvements. Pedestrian access from Speedway and Maguire Avenue to the internal sidewalk system is through the parking lot by way of a striped path. Details of the pedestrian access should be provided at the time of development plan review.

Of growing interest and concern is the "urban heat island effect" of large, dark, absorbent surfaces in urban areas. Dark surfaces result in increased air temperatures in the immediate area, and the effect is more pronounced at night. This could impact the adjacent neighborhoods, and, when considered as part of the larger urbanized area, the community as a whole. To reduce the "heat island" effects, it is recommended that an increased number of trees be planted within vehicle parking area at a ratio of one tree per every four parking spaces.

Drainage/Grading/Vegetation – The site is not located in a regulatory floodplain or balanced/critical basin. Threshold retention is required to reduce developed 5-year flow volumes to existing levels. Water harvesting is required. Much of the site will remain unpaved. Rainwater from the parking lot will be directed to depressed landscape areas. The PDP shows retention facilities and water harvesting are proposed within landscaped areas. Soils are Hydrologic Type B and have moderate infiltration characteristics.

A landscape border, ten feet in width, is proposed along the Speedway frontage, consistent with the existing landscape border. A landscape border, ten feet in width is also proposed along Maguire Avenue, adjacent to the parking lot. The applicant proposes to direct the runoff from the parking lot into the landscaped areas.

Road Improvements/Vehicular Access/Circulation – Currently there are five curb cuts along the Speedway frontage, four into the nursery and one into the office complex. The proposed development plan shows three access points from Speedway, one access point and two service drives from Maguire Avenue. The developer proposes the addition of a deceleration lane at the main entrance to the property, on Speedway Boulevard. Staff recommends closing unused curb cuts along roadway frontages. The Tucson Department of Transportation recommends that the owner install a new curb and sidewalk, six feet in width, along the entire property frontage along

Maguire Avenue. A Traffic Impact Analysis will be required to resolve these outstanding issues and because of the estimated number of vehicular trips generated by the proposed development.

Conclusion – The rezoning requested is in general compliance with the *General Plan* and the *Pantano East Area Plan*. The rezoning and subsequent development as proposed will assist in maintaining a long-running local business by providing a greater level of products and services to the area. Subject to compliance with the attached preliminary conditions, approval of the requested C-2 zoning is appropriate.

Preliminary Conditions
PROCEDURAL

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1. A development plan in substantial compliance with the preliminary development plan dated April 9, 2008, and the Design Compatibility Report, is to be submitted and approved in accordance with Section 5.3.8 of the *Land Use Code*.
2. The property owner shall execute a waiver of potential claims under A.R.S. Sec. 12-1134 for this zoning amendment as permitted by A.R.S. Sec. 12-1134 (I) in the form approved by the City Attorney and titled "Agreement to Waive Any Claims Against the City for Zoning Amendment".
3. Historic or prehistoric features or artifacts discovered during future ground disturbing activities should be reported to the City of Tucson Archaeologist. Pursuant to A.R.S. 41-865 the discovery of human remains and associated objects found on private lands in Arizona must be reported to the Director of Arizona State Museum.
4. Any relocation, modification, etc., of existing utilities and/or public improvements necessitated by the proposed development shall be at no expense to the public.
5. "Safe by Design" concepts shall be incorporated in the development plan for review by the Tucson Police Department.
6. Owner/developer shall enter into a Sewer Service Agreement with Pima County that specifies the improvements to be made to Pima County's public sewerage system, and the timing of said improvements.
7. Five years are allowed from the date of initial authorization to implement and effectuate all Code requirements and conditions of rezoning.

LAND USE COMPATABILITY

8. A six-foot-high masonry wall shall be placed along the north property line of the expansion area where it abuts residential uses.
9. Along street rights-of-way the owner/applicant shall vary wall alignments and break wall expanses with landscape vegetation, including trees for all walls 75 feet or greater in length. Trees planted to break wall expanses shall be placed no more than 25 feet apart.
10. All walls visible from a public right-of-way and/or adjacent to existing residential development, are to be graffiti-resistant and incorporate one (1) or more visually appealing design treatments, such as the use of two (2) or more decorative materials like stucco, tile, stone, or brick; a visually interesting design on the wall surface; varied wall alignments, (jog, curve, notch, setback, etc.); and/or trees and shrubs in voids created by the wall variations.
11. Six (6) inch wide fence block or greater shall be used for perimeter walls.

12. All dumpsters and loading zones shall be located at least fifty feet from any residential property line. Dumpsters shall be screened with walls and vegetation.
13. Four-sided architecture shall be employed on all buildings. Rear and side facades are to be designed with attention to the architectural character and detail comparable to the front façade, including but not limited to, comparable color palette, rooflines, and materials similar to surrounding residential (or commercial) units. Site and building entry points to be highlighted and accented. Dimensioned elevation drawings shall be submitted as part of the development plan submittal.
14. All outdoor lighting should be full cutoff, and it shall be directed down and shielded away from adjacent parcels and public roadways. Lighting detail shall be submitted as part of the Development Plan.
15. Meet all parking, loading, and vehicle maneuvering requirements onsite.

DRAINAGE/GRADING/VEGETATION

16. Applicant shall provide a 10-foot landscape border along the Speedway frontage, and along Maguire Avenue adjacent to the parking lot. The 10' foot wide landscape borders shall consist of drought tolerant, low-maintenance vegetation. Landscaping shall not encroach more than five feet into the Speedway Boulevard right-of-way, consistent with what has already been approved for the existing landscape border by the Department of Transportation.
17. Applicant to provide drought-tolerant planting around basin area.
18. One canopy tree shall be provided within the vehicular use area for each four motor vehicle parking spaces, or the shade pattern caused by mature canopy trees, buildings, and other structures on the vehicular use area from 9:20 to 3:20 p.m. MST on June 21 must cover fifty percent of the paved area.
19. Should buffelgrass be present on the site, a buffelgrass mitigation management plan shall be created for the site as a component of the Native Plant Preservation Plan portion of the Landscape Plan.
20. Specifications for water harvesting shall be clearly delineated on site plans to ensure it is correctly implemented at all necessary stages of construction. Consultation with the Office of Conservation and Sustainable Development regarding water harvesting principles, techniques and code requirements is required.
21. Preparation of a complete Drainage Report, including details of detention/retention, is required. Should detention/retention be required, the following will apply:

Preliminary Conditions

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- a. Each detention/retention basin shall include a sediment trap, or other sediment control measures as approved by the City Engineer, to prevent sedimentation of the detention/retention basin. Each sediment trap, or other sediment control measure, shall have a provision for total drainage.
- b. Detention/retention basin floors shall be graded to drain either toward the outlet structure or other logical point. Basin floors shall not be flat.
- c. Detention/retention basins in or adjacent to the residential area shall be located adjacent to a street or accessible common area. Basin sideslopes in the adjacent area(s) shall be designed and constructed in accordance with the requirements of the Detention/Retention Manual for human activity zones.
- d. Rectangular basin shapes shall be avoided unless necessitated by recreational or visual amenities within the basin.
- e. Vegetation shall be used as screening and/or security barrier for a minimum of ten percent of the basin perimeter.
- f. All security barriers and screening for detention/retention basins shall meet Safe By Design guidelines.

ROAD IMPROVEMENTS/VEHICULAR ACCESS/CIRCULATION

22. Any relocation, modification, etc., of existing utilities and/or public improvements necessitated by the proposed development will be at no expense to the Public.
23. Dedication, or verification of existence, of right-of-way, per the Major Streets and Routes Plan (and as needed to accommodate fronting roadway improvements), along the Speedway Boulevard site frontage.
24. Dedication of right-of-way along Maguire Avenue as needed to accommodate the installation of appropriate right-of-way improvements as required by this rezoning and DSD development standards.
25. Installation of a right turn/deceleration lane on Speedway Boulevard (as approved by TDOT Traffic Engineering).
26. Curb cuts along Speedway Blvd. will be limited to three with a minimum distance of 150 feet between access points and a minimum corner clearance of 50 feet or as determine by the Department of Transportation.
27. Any existing unused curb cuts/driveways along the abutting roadways/site frontages shall be closed.

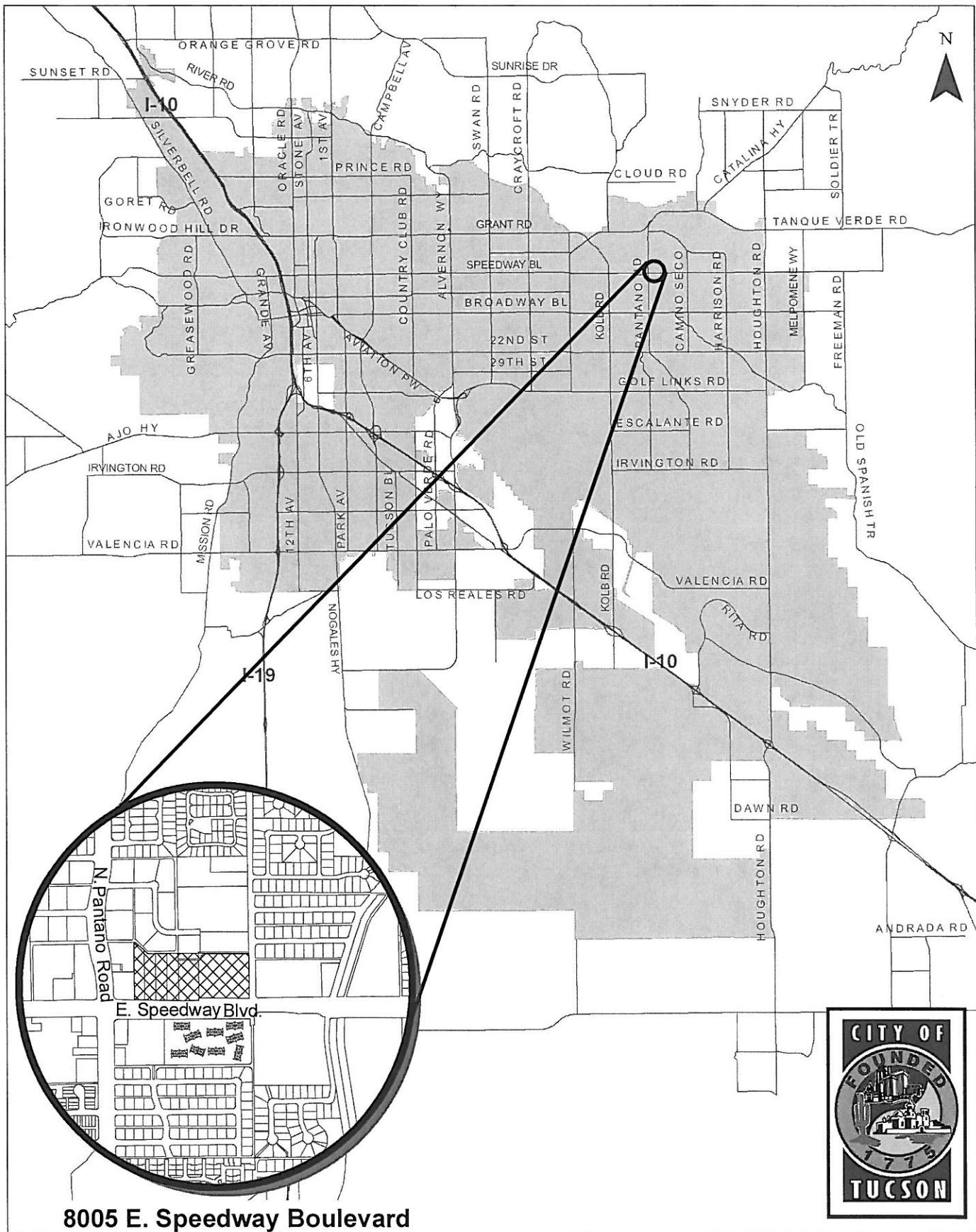
28. All access drives shall be in conformance with the Transportation Access Management Guidelines for the City of Tucson.
29. Installation of new curbing and 6' wide sidewalks along the entire Maguire Avenue site/property frontage (approximately 1250').
30. Applicant to provide for current or illustrate future cross-access to commercial development to the west. The owner/developer shall submit a Traffic Impact Analysis at the time of Development Plan review.

OTHER

31. Provisions for on site refuse/recycle collection and storage/enclosure shall be shown on the Development Plan at the time of submittal for staff review. Refer to DS 6-01.0 for minimum requirements.

s/rezoning/C9-08-05 preliminary conditions.doc

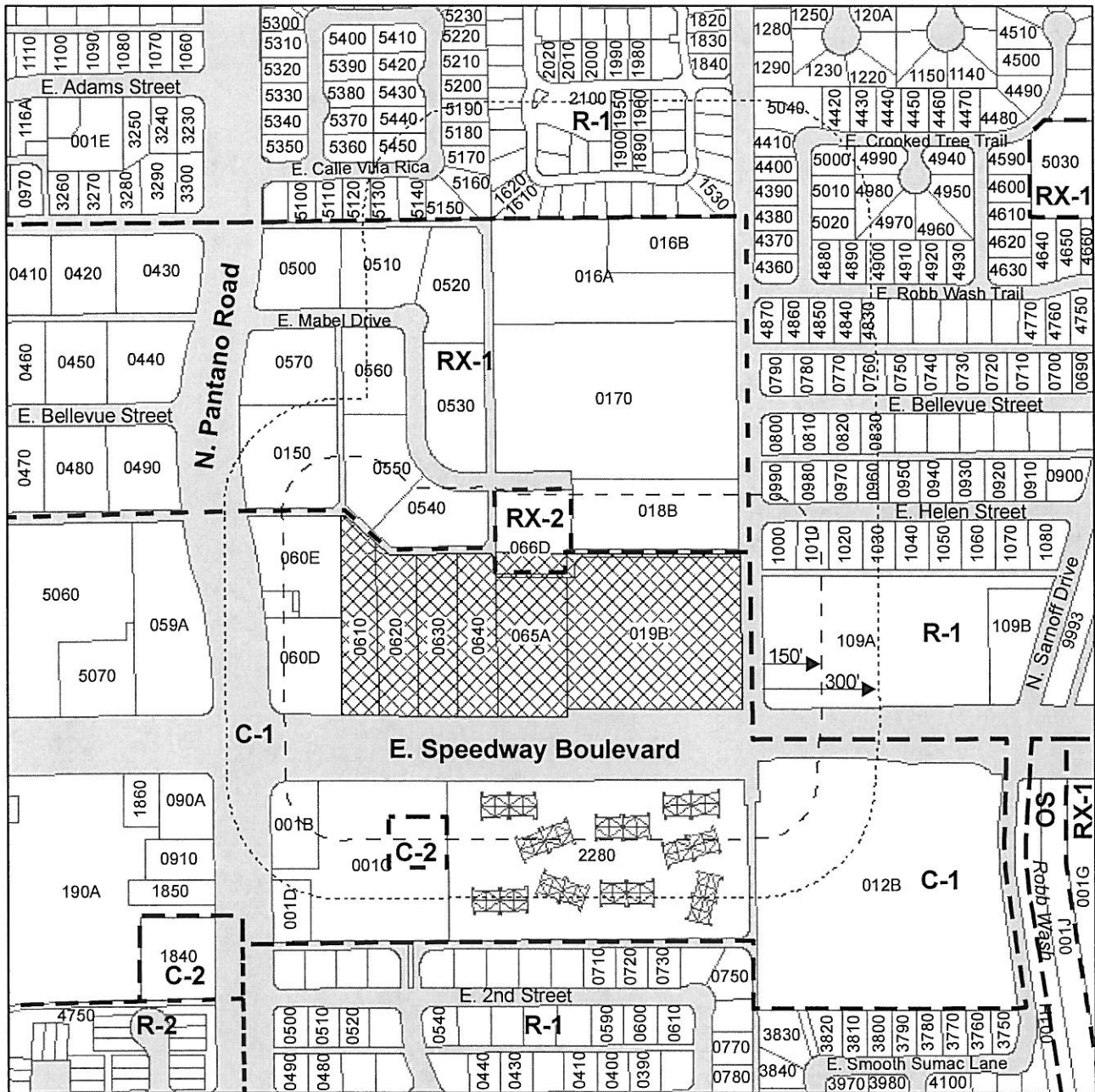
C9-08-05 Mesquite Valley Growers - Speedway Boulevard



8005 E. Speedway Boulevard

C9-08-05 Mesquite Valley Growers - Speedway Boulevard

Rezoning Request: from RX-2 & C-1 to C-2



0 200 400
Feet

1 inch equals 400 feet

- Protest Area (150 foot radius)
- Area of Rezoning Request
- Notification Area (300 foot radius)
- Zone Boundaries

Neighborhood, Area Plan(s): Pantano East Area Plan
Address: 8005 E. Speedway Boulevard
Base Maps: Sec.04 T.14 R.15
Ward: 2



**CITY OF
TUCSON**



C9-08-05 Mesquite Valley Growers - Speedway Boulevard
May 2008 Aerial